

CORCORAN, CALIFORNIA 93212

EXHIBIT "C" PAGES 1-9

RT EXCERPTS 149-157

3 U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT

4/5/67 10:00 AM 10:00 AM 10:00 AM 10:00 AM 10:00 AM

5. *Staphylococcus aureus* (Staph. aureus)

6. The following is a list of the names of the persons who have been named in the above-mentioned affidavits as having been in the possession of the same at the time of the same being seized:

7. Mr. [redacted] [redacted]

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[REDACTED]

12 MR. ADAIR: THANK YOU VERY MUCH.

13 THE COURT: ALL RIGHT. MR. TROCHA.

14 MR. TROCHA: GOOD MORNING AGAIN.

15 MS. RODGERS BROUGHT UP A VERY GOOD POINT. AND  
16 THAT IS, A LOT OF PEOPLE HAVE DIFFERENT RELIGIOUS  
17 BELIEFS, SOME STRONGER THAN OTHERS. DOES ANYBODY HAVE A  
18 PROBLEM OR CONFLICT WITH THEIR BELIEFS THAT WOULD NOT  
19 ALLOW THEM TO SIT IN JUDGMENT ESSENTIALLY OF ANOTHER  
20 PERSON? AND WHEN I SAY THAT IS, WOULD THESE BELIEFS  
21 IMPAIR YOUR ABILITY TO DETERMINE WHETHER OR NOT  
22 MR. BURTON IS RESPONSIBLE FOR THE CRIMES HE'S ACCUSED OF  
23 COMMITTING BASED UPON THE EVIDENCE ALONE? I SEE  
24 NOBODY'S RAISING THEIR HANDS.

25 THERE'S ALSO BEEN A LOT OF TALK ABOUT  
26 SELF-DEFENSE. AND AGAIN MS. RODGERS BROUGHT UP THE  
27 POINT THAT IF SOMEONE HAS A RIGHT TO PROTECT THEMSELVES,  
28 THEY SHOULD PROTECT THEMSELVES -- ~~RAISING SOMEWHAT~~

①

1 DOES ANYBODY HAVE A PROBLEM TAKING OUT, I GUESS, WHAT  
2 REALLY HAPPENS VERSUS WHAT SOMEBODY TELLS THEM? IN  
3 SAYING THAT, DOES ANYBODY HAVE A PROBLEM JUST BELIEVING  
4 SOMEONE ON FACE VALUE WITHOUT ACTUALLY LOOKING AT THE  
5 FACTS? I SEE NOBODY'S RAISING THEIR HANDS.

6 **PROSPECTIVE JUROR RODGERS**

7 **BY MR. TROCHA:**

8 Q. MS. RODGERS, I HATE TO PICK ON YOU AGAIN, BUT  
9 WHEN YOU DID SAY THAT IT DID PEEK MY INTEREST SOMEWHAT  
10 BECAUSE THIS IS A CASE INVOLVING A CLAIM OF  
11 SELF-DEFENSE. IF SOMEONE ALONE WOULD JUST TELL YOU, "I  
12 WAS SCARED, ~~SOMEONE DID X, Y, AND Z~~" WOULD THAT BE ENOUGH  
13 FOR YOU TO SAY IT WAS DONE WITH JUSTIFICATION?

14 A. WELL, IF HE GAVE THE WHOLE DETAIL AND ALSO YOU  
15 LOOK AT ALL THE EVIDENCE, ~~THE~~

16 Q. SO YOU'D HAVE TO LOOK AT THE EVIDENCE ALSO IN  
17 RELATION TO A CLAIM?

18 A. WELL, YES. ~~BECAUSE, THE~~  
19 ~~EVERYONE -- AND THE MORE YOU KNOW, THE MORE~~  
20 ~~THE MORE YOU KNOW, AND THEN YOU HAVE TO DO THE PROS AND CONS~~  
21 ON IT.

22 Q. NOW, GETTING INTO THAT, IF A PERSON SEEMED TO  
23 ACT UNREASONABLY IN A SITUATION, WOULD YOU STILL GIVE  
24 THEM THE BENEFIT OF THE DOUBT THAT THEY ACTED REASONABLY  
25 IN THAT SITUATION?

26 A. ~~THE~~. IT DEPENDS ON THE SITUATION.

27 Q. OBVIOUSLY --

28 A. IF THE GUY CAME TO HIM AND SAID, "HEY, I'M